

REMARKS**INTRODUCTION:**

In accordance with the foregoing, claim 12 has been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 2, and 4-14 are pending and under consideration. Claims 1-11, 13 and 14 are allowed. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §101:

In the Office Action, at page 2, numbered paragraph 3, claim 12 was rejected under 35 U.S.C. §101, for the reasons set forth therein. This rejection is traversed and reconsideration is requested.

The preamble of claim 12 has been amended to recite: "A computer-readable medium encoded with operating instructions for implementing a method of controlling power in an optical device, wherein the method is performed by a computer, the method comprising" and the operations of the method have been amended to begin with gerunds. This amendment is supported by paragraph [0048] of the specification.

In addition, claim 12 has been amended to recite: "wherein a read power channel signal is applied to the optical emission driver along with a write power channel signal and an overdrive power channel signal, and wherein the optical emission driver outputs a current to an optical emission unit and a power of light emitted from the optical emission unit is determined by a strength of the output current applied to the optical emission unit." This amendment is supported by paragraph [0024] of the specification.

Current is a flow of electrons. Hence, amended claim 12 provides a tangible result.

It is respectfully submitted that a computer-readable medium encoded with operating instructions for implementing a method is useful, accomplishes a practical application, and produces a "useful, concrete and tangible result," which was determined to set forth statutory patentable subject matter in *State Street*, 149 F.3d at p.1373-74, 47 USPQ2d at 1601-02, by, in the present instance, outputting a current to an optical emission unit.

Hence, it is respectfully submitted that amended claim 12 sets forth statutory subject matter and is allowable under 35 U.S.C. §101.

ALLOWABLE SUBJECT MATTER:

In the Office Action, at page 3, numbered paragraph 4, claims 1, 2, and 4-14 were allowed.

Applicants thank the Examiner for his careful review and allowance of claims 1, 2, and 4-14.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: September 5, 2007 By: Darleen J. Stockley
Darleen J. Stockley
Registration No. 34,257

1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501